IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24020 of 2004

Between:

1 Sri Laxmi Ganapathi V.C.A. Rep by its Prop. M. Kumar, S/o.

Ramarao, R/o. Gurramguda, Rangareddy District.
2 R. Laxmiprasad & Sons, Rep by R. Prasad, S/o. Srisailam,
H.No. 17-2-716/A, Madannapet, Saidabad, Hyderabad - 59.
3 Ch. Srinivas & Brother, Rep by Srinivas S/o. Pochalu,
H.No. 17-2-580/13, Madannapet, Hyderabad - 59.
4 M/s. Gayathri Vegetable Market rep by its

Prop. B. Chendrashekar, S/o. Tuljaram,
R/o. 18-46, Kamalanagar, Dilsukhnagar, Hyderabad.

... PETITIONERS

AND

1 The Hyderabad Agricultural Market Committee, Rep by its

Secretary-cum person incharge, Newosmangunj, Hyderabad.
2 The Hyderabad Agricultural Market Committee, (Sub-Office)

L.B. Nagar, Vegetable Market Yard, L.B. Nagar,

Hyderabad R.R. District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents for grant of commission agents Licence U/s 7(1) of the A.P. (Agriculture produce & Live Stock) Act 1966 to carry on their business as Commission Agents (Veg) in the notified Market Area of Hyderabad Agricultural Market Committee, as illegal, improper, unjust, arbitrary, discrimination and contrary to the provisions of the A.P. (Agricultural produce and Live Stock) Act 1966 and the rules made there under.

Counsel for the Petitioners: MR.CHINDAM ANJANEYULU
Counsel for the Respondents: MR.V.V.N.NARAYANA RAO

The Court at the admission stage made the following :

O R D E R:

The petitioners are traders, within the area of operation of the Hyderabad Agricultural Market Committee. They submitted applications to the respondents for grant of licence as Commission Agents, under Section 7 of the A.P. (Agricultural produce and Live Stocks) Act, 1966 (for short "the Act"). Their applications were rejected on 20.01.2004, without assigning any reasons. Aggrieved thereby, the petitioners and certain others filed W.P.No.2281 of 2004. The writ petition was disposed of, directing the respondents to consider the applications of the petitioners, in accordance with the provisions of the Act and Rules made thereunder. Thereafter, the petitioners submitted fresh applications, duly enclosing the requisite demand drafts. On consideration of these applications, the first respondent passed an order dated 22.09.2004, rejecting the applications of the petitioners. The petitioners challenge the said order.

Heard learned counsel for the petitioners and learned Standing Counsel for the respondents.

The first respondent rejected the applications of the petitioners, on the ground that the petitioners do not have sufficient accommodation in the market area, and as such, they cannot effectively function as commission agents. Reliance was also placed upon the order passed by this Court in Writ Appeal No.13 of 1997.

Though several contentions are urged on behalf of the petitioners, this Court is not inclined to deal with the same at this stage. The reason is that an appeal is provided under Section 7 of the Act, to an appellate authority. The petitioners can avail such a remedy. The appellate authority would be in a better position to appreciate the matter from the point of view of facts as well as the provisions of law.

Hence, the writ petition is disposed of, leaving it open to the petitioners to avail the remedy of appeal. If such an appeal is presented by the petitioners, the appellate authority shall dispose of the same, within three months from the date of such presentation. There shall be no order as to costs.

31st January, 2005

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To

1 The Secretary-cum person-in-charge,

The Hyderabad Agricultural Market Committee,

New Osmangunj, Hyderabad.

2 The Secretary, The Hyderabad Agricultural Market

Committee, (Sub-Office), L.B. Nagar,

Vegetable Market Yard, L.B. Nagar,

Hyderabad R.R. District.

3 Two C.D.copies